



DEFENSE NUCLEAR FACILITIES

SAFETY BOARD

Washington, DC 20004-2001

March 19, 2019

Mr. Russ Kick
P.O. Box 36914
Tucson, Arizona 85740-6914
[Via E-Mail: 69154-19208799@requests.muckrock.com]

Re: Freedom of Information Act Request: Tracking Number DNFSB FY 19-06

Dear Mr. Kick:

This letter is the final response to the Freedom of Information Act request you submitted to the Defense Nuclear Facilities Safety Board by e-mail transmitted via muckrock.com dated February 19, 2019 (DNFSB tracking number FY 19-06).

We located data you requested about the FOIA requests this agency received for the years 2016 through 2018 in the files maintained to satisfy our reporting obligations to the Department of Justice. While the FOIA does not generally require an agency to create a new record to respond to a request, it does allow existing records to be used as sources for responsive information under certain circumstances. In this case, we have extracted the information you seek from spreadsheets in the 2016 - 2018 annual report files and merged it into the single document enclosed with this letter.

At several places in that document, you will note that we have redacted information pursuant to FOIA Exemption 6, which applies to "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy...." 5 U.S.C. § 552(b)(6).

FOIA Exemption 6 protects from disclosure "personnel and medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy...." The phrase "similar files" covers any agency records containing information about a particular individual that can be identified as applying to that individual. *See, United States Dep't of State v. Washington Post Co.*, 456 U.S. 595, 602 (1982). To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the individual privacy interests that would be affected by disclosure against the public interest in the information (viewed in terms of the insight it would provide into the activities of the government). *See United States Dep't of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 773-75 (1989).

The information we are withholding consists primarily of the names of persons who are the subjects of requests for personal information or that could be useful in identifying the person who is the subject of the request. The individuals to whom this information pertains have a substantial privacy interest in protecting their identities from public release, and you have not proffered any information indicating the existence of a public interest in the information that is recognizable under the FOIA. We have determined, therefore, that disclosing the information would shed little or no light on governmental operations whereas the individuals to whom it pertains have a substantial privacy interest in protecting it.

You have the right to file an administrative appeal within ninety (90) days of your receipt of this letter. Your appeal must be in writing, be clearly marked with the words, "Freedom of Information Act Appeal," and be addressed as follows:

General Counsel
Defense Nuclear Facilities Safety Board
625 Indiana Avenue, N.W., Suite 700
Washington, DC 20004

By filing an appeal, you preserve your rights under FOIA and provide the Board an opportunity to review and reconsider both your request and its decision.

If you would like to attempt to resolve your dispute without going through the appeals process, you may communicate that interest to Paul Wilson, our FOIA Public Liaison, at any time. He can be reached by telephone at 202-694-7000 (toll free at 800-788-4016) or by e-mail at FOIA@dnfsb.gov.

If you cannot resolve your dispute through this mechanism, you may make use of the dispute-resolution services provided by the Office of Governmental Information Services (OGIS) at the National Archives and Records Administration. OGIS provides ombudsman services in disputes between federal agencies and FOIA requesters and can be reached at:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001
202-741-5770 (toll free: 877-684-6448)
ogis@nara.gov
<https://www.archives.gov/ogis>

There are no fees associated with this request. Please feel free to contact Paul Wilson at the telephone number or e-mail address given above if you have any questions. Please provide your assigned Board tracking number (FY 19-06) in any future communications with our office regarding your request.

Very truly yours,



Glenn Sklar
Chief FOIA Officer

Attachment